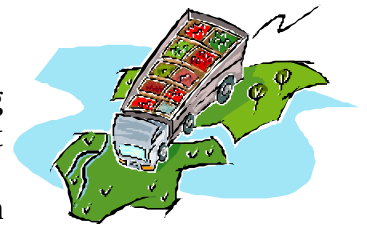


The Federal Flyer

Texan Testifies on Need for Funding Border Safety Inspection Facilities *House, Senate Panels Discuss Possible Delay of Mexican Border Opening*

On July 18, **Texas Secretary of State Henry Cuellar** told the House Transportation and Infrastructure Committee's Subcommittee on Highways and Transit that Texas has a plan for constructing needed motor carrier safety inspection stations along the US-Mexico border but needs federal funding to make it a reality. Cuellar testified during the subcommittee's hearing on the border's readiness to inspect Mexican motor carriers for compliance with US safety standards. The Senate Committee on Commerce, Science, and Transportation held a similar hearing earlier that day.

Texas Carries a National Burden Deserving of Federal Assistance. In his testimony, Cuellar emphasized that more than 70 percent of the US-Mexico truck trade traffic travels across Texas highways. Texas is different from other states in this regard, Cuellar said, because Texas has a 1,200-mile border with 15 border crossings and handles most of the more than 4.5 million truck crossings each year along the southwest border. Customs data for FY 1999 indicate that more than 2.9 million truck crossings took place in Texas while less than 1 million trucks crossed in California. When challenged on Texas not following California's lead in spending state funds to build state-of-the-art inspection facilities, Cuellar responded that the scale of the challenge in Texas far exceeds that in California. Texas has 15 truck crossings; in California, only two handle significant numbers of trucks. The competitive nature of the international bridges in Texas and the need to ensure truck safety throughout the state, Cuellar stated, requires that Texas construct all inspection stations at the eight busiest truck crossings in the state at one time. "That would require an investment of at least \$100 million," Cuellar said. "The federal government must help Texas shoulder that national burden."



Committee Sentiments on Safety Issue Run Strong. The House subcommittee hearing was punctuated with sharp, emotional statements of concern that the nation is not ready to open the US border to Mexican trucking operations beyond the 20-mile commercial zone. About 8,500 Mexican motor carriers may now operate in the commercial zones near major border crossings. Members expressed concern about the thousands or millions of unsafe Mexican trucks that could soon have "unfettered" access to US highways throughout the nation.

Full committee ranking member James Oberstar (D - Minnesota), author of a resolution calling for a delay in opening the border further, was among the most passionate in questioning witnesses. "This issue is not about trade; it's about safety," Oberstar said. He noted that the USDOT Inspector General's report to the committee questioned the ability of the US to guarantee the safety of Mexican trucks. "We must hold a truck to a higher standard

because it can go anywhere," Oberstar said. He was adamant that USDOT ensure compliance of Mexican motor carriers before allowing them to operate in the US.

Subcommittee Ranking Member Robert Borski (D - Pennsylvania) echoed Oberstar's comments. Borski claimed that the Bush Administration's plan to open the border to cross-border trucking by January 1, 2002 was "hasty." It would take years for the regulations, resources, and information systems necessary to ensure truck safety to be put in place on both sides of the border, he said. "We are in a losing battle to meet these challenges."

Subcommittee Chairman Thomas Petri (R - Wisconsin) supports the Bush proposal to provide \$88 million for enhanced inspection personnel and infrastructure along the southwest border. However, he objects to financing those programs with Revenue Aligned Budget Authority now targeted to highway programs. "I hope the issue of resources can be resolved," Petri stated. He indicated that the purpose of the hearing was to determine if the rules and resources are sufficient to ensure safety and compliance with US standards.

USDOT Witnesses Defend and Question Readiness. The main witnesses before the committee were **US Secretary of Transportation Norman Mineta** and **USDOT Inspector General Kenneth Mead**. The two, who appeared on separate panels, were not before the committee at the same time. In his opening statement, Mineta assured the committee that the US will insist on a vigorous, effective safety program before opening the border to Mexican trucking operations. "We must meet our NAFTA obligations without affecting safety," Mineta said. He indicated his disappointment in the House of Representatives' action (in the FY 2002 USDOT and Related Agencies appropriations act) to bar use of any FY 2002 funds to meet these important safety program needs. He indicated that President Bush would veto a bill without the necessary funding.

Mineta laid out four core principles that the USDOT would follow in dealing with Mexican truck safety. First, he said, safety is our highest priority. "We can implement safety programs by January 2002 with support from state, federal, and Mexican partners. However, we'll take more time if necessary to ensure safety," Mineta said. Second, Mexican drivers and vehicles must meet the same standards the US and Canada must meet. Third, the US must meet its NAFTA obligations and open the border to international trade. And finally, Mexican carriers operating lawfully in the US must have the same protections as US and Canadian carriers. "We must have a level playing field for competition," Mineta stated.

Mineta concluded his statement by affirming that the USDOT will insist on full compliance with US safety laws but will not discriminate against Mexican carriers. He said that the USDOT was well on its way to having the programs and personnel necessary to move forward with NAFTA by the year's end. He said to expect the final rule on Mexican operating authority in October.

Later in the afternoon, Inspector General Mead commented on his report questioning USDOT's readiness to meet the safety challenges involved with enhanced cross-border truck operations. Mead described four key findings of his report. First, inspectors should be present whenever the border crossing is open. Second, a physical inspection and motor carrier safety review is necessary before carriers are granted expanded operating authority. Third, enforcement against non-compliance with safety standards and operating authority is essential to establishing a reliable safety regime. And finally, there is inadequate room for sufficient inspections to guarantee safety; additional, permanent inspection facilities are needed at every crossing. Mead stated that a near-term fix to the facilities issue could be to



use some land adjacent to the existing crossings and install temporary buildings and parking lots for inspection purposes.

Questions Highlight Political Debate. Members of the House committee asked Mineta and Mead various questions about the ingredients of a strong safety regime for Mexican trucking operations. Members raised concerns about motor carrier insurance, illegal immigrants and contraband, the environment, driver hours of service, accident rates, the location of inspection facilities, hazardous materials, the number of inspectors and investigators, the Mexican driver and carrier database, and how to model the Otay Mesa inspection station everywhere along the border. Given these many issues, Democratic members of the committee believed the opening of the border should be delayed until the motor carrier safety regime was in place in Mexico and in the US along the southwest border.

Other Witnesses Line Up on Both Sides. Other witnesses before the House committee included **Peter Allgeier**, Deputy US Trade Representative; **Mike Mathis**, International Brotherhood of Teamsters; **Captain Steve Vaughn**, Commercial Vehicle Safety Alliance; **Duane W. Acklie**, American Trucking Association; and **Jacqueline Gillan**, Advocates for Highway and Auto Safety. The Deputy US Trade Representative and ATA and CVSA representatives supported proceeding with the scheduled border opening and providing the additional funds for personnel and facilities requested by the Bush Administration. They also urged that Mexican motor carrier safety be reviewed on a case by case basis and that multiple approaches to solving these safety concerns be pursued on the state, federal, and international levels. The Teamsters and Advocates representatives suggested the nation was not ready to expand Mexican motor carrier operating authority in the US until a stronger safety regime was in place. They supported language in the House and Senate appropriations bills to require certain actions before allowing the US to proceed with its rulemaking on cross-border trucking.

Similar Positions Expressed in Senate Hearing. In the earlier Senate Commerce Committee hearing, many of the same witnesses offered testimony. There, debate centered more on whether the Senate appropriations committee language discriminated against Mexican carriers. In addition, many senators said NAFTA was a failure and safety should not be sacrificed for trade. However, both senators and witnesses agreed that more people and resources for facilities should be directed to the border as soon as possible.

Possible Floor Amendments Loom in the Senate. On July 19, **Senators John McCain** (R - Arizona) and **Phil Gramm** (R - Texas) announced they would offer an amendment to the appropriations bill that is more palatable to the Bush Administration than the current bill. They would require safety reviews prior to granting conditional operation authority to Mexican carriers. This language replaces the bill's proposed "compliance reviews" and requires verification of drug and alcohol testing, drivers' qualifications, hours-of-service records, and vehicle inspection records. In addition, the amendment would establish a 90-day inspection system for long-haul trucks, as currently done in California. Finally, it would remove language requiring USDOT to certify the Mexican safety information database.

The Senate will consider the bill next week, with significant debate on these issues expected.

The *Federal Flyer* is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 107th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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